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Letter dated 28 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Ukraine, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

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Annex

[Original: English]

Letter dated 26 December 2001 from the Permanent Representative of Ukraine to the United Nations addressed to the Chairman of the Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

I have the honour to submit the report of Ukraine pursuant to paragraph 6 of Security Council resolution 1373 (2001) (see enclosure).

I should be grateful if you would have the text of the present letter and of the enclosed report circulated as a document of the Security Council.

(*Signed*) Valery **Kuchinsky**
Ambassador
Permanent Representative

Enclosure

[Original: Russian]

Report on the measures taken in Ukraine to implement Security Council resolution 1373 (2001)

Security Council resolution 1373 (2001)

Paragraph 1 (a)

The Cabinet of Ministers of Ukraine has adopted a resolution in which it has instructed Ministries, other central and local organs of executive authority and the Council of Ministers of the Autonomous Republic of Crimea to ensure the strict implementation of the provisions of Security Council resolution 1373 (2001).

The Security Service of Ukraine has received no information concerning any activities in Ukraine by terrorist organizations or concerning groups or individuals participating in the financing of terrorist acts.

The legislation in force in Ukraine provides for the seizure of funds and other economic resources in the event that it is established that they have been obtained or used illegally.

On 15 November 2001, the Verkhovna Rada of Ukraine adopted in first reading the Act "on measures to prevent and counteract the legalization (laundering) of the proceeds from crime".

A bill is in the process of being drafted "on combating terrorism". This bill sets out the legal and organizational bases for combating terrorism, defines the structure, functions and authority of the competent organs in that area, and contains a provision to the effect that the granting of material support to a terrorist organization is one form of terrorist activity. This bill also provides for the confiscation of the property of an organization which, in a manner determined by law, is deemed to be participating in a terrorist activity.

The freezing of funds and other financial assets of individuals and bodies corporate held in banks and other financial institutions, and the seizure, retention and conversion of funds, including foreign currencies, securities and other property, are carried out in Ukraine in accordance with the procedures and conditions set out in the provisions of the Acts "on banks and banking activities" and "on efficient production" and other Ukrainian laws and regulations.

The Security Service of Ukraine has drafted a bill "on revisions to certain legislative instruments of Ukraine to reinforce efforts to combat terrorism". This bill includes, inter alia, a provision concerning questions relating to the prevention and suppression of the financing of terrorist acts.

The State Tax Administration of Ukraine has made an analysis of the export-import operations of those involved in entrepreneurial activities to determine their possible connections to the financial structures of al-Qa`idah. The results of the analysis did not reveal any of those included in the lists of the Security Council Committee.

The Cabinet of Ministers of Ukraine has established an interdepartmental working group to study methods and trends in the laundering of money and other income received as the proceeds from crime. The working group is headed by the First Vice-Chairman of the State Tax Administration of Ukraine.

Paragraph 1 (b)

The wilful provision or collection of funds for terrorist formations is criminalized under article 258 of the Criminal Code of Ukraine. According to the fourth part of article 258 of the Criminal Code, the creation of a terrorist group or terrorist organization, the leadership of such a group or organization or participation in its activities, or the provision of material, organizational or other support for the creation or activities of a terrorist group or terrorist organization is punishable by imprisonment for a term of from 8 to 15 years.

The theft, misappropriation and extortion of firearms (other than a smooth-bore hunting weapon), ammunition, explosive substances, explosive devices or radioactive materials, and the acquisition thereof by fraud are criminalized under article 262 of the Criminal Code of Ukraine. Such acts are punishable by imprisonment for a term of from three to seven years.

The carrying, storage, acquisition, manufacture, repair, transfer or sale of firearms (other than a small-bore hunting weapon), ammunition, explosive substances or explosive devices without legal authorization are criminalized under article 263 of the Criminal Code of Ukraine. Such acts are punishable by imprisonment for a term of from two to five years.

Paragraph 1 (c)

By a resolution of the Cabinet of Ministers of Ukraine, the central and local organs of executive authority and the Council of Ministers of the Autonomous Republic of Crimea have been instructed to take immediate measures to seize funds and other financial assets of Osama bin Laden and of individuals and enterprises connected with him and to freeze the financial assets or economic resources of persons who commit, or attempt to commit, a terrorist act. No such persons have been identified in Ukraine.

The following laws and regulations governing the freezing of accounts or assets held in banks and financial institutions are in force in Ukraine:

1. *The Code of Criminal Procedure of Ukraine*. Article 126 sets out the system for the protection of civil suits and the possible confiscation of property. For the purpose of protecting civil suits and the possible confiscation of property, the deposits, valuables and other property of a person who has been accused or who is under suspicion or of persons who bear material responsibility under the law for their actions may be seized, wherever those deposits, valuables or other property may be located, and the property frozen may also be confiscated.

2. *Act "on the procedure for cancelling the liability of taxpayers with respect to budgetary and State funds earmarked for special purposes"*. Article 9 of this Act defines the concept of the administrative freezing of the assets of a taxpayer (including funds in accounts held in banking institutions), its forms and essence, the system for its application and for appeals, and specifies those who are to carry out the decision on administrative freezing and their rights and obligations.

3. *Act "on revisions to the Act 'on the State Tax Service of Ukraine'"*. Article 11, paragraph 5, of this Act includes among the powers of the State Tax Service of Ukraine the right to suspend the transactions of taxpayers, other payments to accounts in banking institutions and other financial and credit institutions, with the exception of tax-paying transactions, and other payments in the following cases: in the event of a refusal to provide documentary verification or to allow officials or organs of the State Tax Service to inspect premises being used for the receipt of income or connected with the maintenance of other taxable objects, wherever they might be, equipment, electronic cash registers or computer systems used for cash transactions with consumers, weigh stations, and bar-coding systems and devices; in the event of a failure to allow the organs and officials of the State Tax Service access to their bookkeeping accounts, balance sheets, tax returns (estimates), currency declarations, reports on the use of electronic cash registers, computer systems and other documents connected with the calculation and payment of taxes and other payments; in the event of a failure to provide evidence of State registration of subjects of entrepreneurial activity and of special permissions (licences, patents and so on) for such an activity, certificates of conformity relating to electronic cash registers and computer systems; in the event of the violation by an enterprise, institution, organization or national engaged in entrepreneurial activity of the procedure established by law for registration with an organ of the State Tax Service as a taxpayer or the absence of records relating to the taxable objects, or when there is a real threat of the embezzlement of funds or the alienation of property, the confiscation of which, in a manner determined by law, is the sole means of compensating for losses borne by the State in connection with the inability of a legal person to pay taxes.

See also information under paragraph 2 (f)

Paragraph 1 (d)

Article 258 (Terrorist act) of the Penal Code of Ukraine establishes criminal liability for "... material, organizational or other assistance for the formation or activities of a terrorist group or organization". The penalty for such actions is a term of imprisonment of between 8 and 15 years.

Paragraph 2 (a)

The Security Service of Ukraine has received no information on the utilization of Ukrainian territory for the provision of weapons to terrorists.

The movement across the State frontier of Ukraine of weapons, ammunition, military or specialized technology, radioactive and other dangerous substances, and the admission of such items across the State frontier are controlled by the frontier forces together with the customs bodies on the basis of the authorization of the State Export Control Service. The said matters are regulated by the Act "on the Ukrainian State frontier" of 1991, the Act "on the use of nuclear power and radiation safety" of 1995 and the Act "on the handling of radioactive waste" of 1995.

The Ministry of Defence of Ukraine systematically monitors the channels for the provision of explosives, weapons, ammunition, radioactive materials (that are capable of being used for the production of weapons of mass destruction), and of the means for waging chemical or biological warfare. A databank concerning the

activities of organizations and individuals connected with or suspected of committing terrorist acts has been set up and is constantly updated.

Article 447 (Mercenarism) of the Penal Code establishes criminal liability in Ukraine for the recruitment, financing, provisioning or training of mercenaries to be used in armed conflicts in the territory of other States or to carry out acts of violence intended to overthrow the State order, or to impair a State's territorial integrity, as well as the utilization of mercenaries in armed conflicts.

In order to eliminate channels for the carriage across Ukrainian territory of terrorist devices, the Ministry of the Interior of Ukraine participates in carrying out the measures provided for in the Coordinated Action Plan of the Ministry of the Interior, the Ministry of Defence, the Security Service, the State Committee for the Protection of the State Border and the State Customs Service of Ukraine to Strengthen Measures to Prevent Illegal Migration and to Prohibit the Carriage across the State Frontier of Terrorist Devices, which has been approved by the Prime Minister of Ukraine.

The overall system for control of the carriage of weapons, explosives or dual-use materials across the customs frontier of Ukraine was established by decree No. 117 of the President of Ukraine of 13 February 1998, in accordance with which customs clearance and admission across the customs frontier of Ukraine takes place exclusively on the basis of an authorization (opinion) of the State Export Control Service of Ukraine (Goseksportkontrol).

The system for the control of designated categories of goods subject to export control operates in accordance with Cabinet of Ministers of Ukraine decision No. 563 of 27 July 1995 adopting the Regulations on the system for the State control of international transfer of goods used, or capable of being used, for the production of missile weapons; decision No. 302 of 12 March 1996 adopting the Regulations on the system for the control of the export, import and transit of goods relating to nuclear activity and capable of being used for the production of nuclear weapons; decision No. 384 of 22 April 1997 adopting the Regulations on the system for control of the export, import and transit of goods capable of being used for the production of chemical, bacteriological (biological) and toxin weapons; decision No. 1005 of 18 August 1996 on the system for control of the export, import and transit of particular types of goods, equipment, materials, software and technologies capable of being used for the production of armaments or of military or special-purpose equipment; and decision No. 1358 of 8 December 1997 adopting the Regulations on the system of State control over the international transfer of goods to be used for military purposes.

International transfers of weapons in Ukraine are made in accordance with the Regulations on the system of State control over the international transfer of goods to be used for military purposes, approved by Cabinet of Ministers of Ukraine decision No. 1358 of 8 December 1997. Under the Regulations, the export of goods to be used for military purposes is carried out, on authorization by Goseksportkontrol, by entrepreneurs duly authorized for that purpose. In order to obtain authorization for the international transfer of the said goods, exporters must submit to Goseksportkontrol the originals of the documents whereby the State body authorized for that purpose of the State of destination of the goods guarantees the end-use of the goods and confirms the commitment not to re-export those goods (commitments

concerning the utilization of the goods for their purpose must be made by all intermediaries involved in deliveries of goods).

In addition, Cabinet of Ministers of Ukraine decision No. 244 of 14 March 2001 recommends that foreign trade agreements should include information on the commitments made by the foreign economic entity to issue an end-user certificate, an import certificate or other document containing guarantees by the State body authorized for that purpose of the State of destination of the goods concerning their end use, and also a certificate confirming the delivery of the goods or another document drawn up by the authorized State body of the State of destination of the goods confirming the import of the goods or of each consignment of the goods to the territory of that State.

See also information under paragraph 1 (b).

Paragraph 2 (b)

The Ukrainian Security Service takes steps to prevent terrorist acts, including those against the diplomatic missions of the United States of America, Israel and other countries in Ukraine.

In the framework of measures to combat organized crime, the Ukrainian Security Service, in cooperation with the organs of the Ministry of the Interior confiscated about 400 firearms, 101 kilograms of explosives, 65 grenades, 13,900 rounds of ammunition and 9.5 kilograms of radioactive substances.

Ukrainian law enforcement bodies cooperate under the provisions of 160 international agreements and protocols with over 40 countries on combating crime (including terrorism) and on other matters connected with the activity of law enforcement bodies. The said international legal instruments provide for an appropriate exchange of information on operational and service-related matters and the provision of legal assistance in criminal matters. In addition, in order to improve the exchange of information with the law enforcement bodies of foreign States, the Ministry of the Interior of Ukraine regularly organizes multilateral and bilateral international working meetings.

The most recent such meeting, held in the city of Lvov from 28 to 30 November 2001, was attended by delegations from the Ministries of Internal Affairs of Armenia, Azerbaijan, the Czech Republic, Belarus, Georgia, Germany, Hungary, Kazakhstan, Moldova, Poland, Romania, the Russian Federation, Slovakia, Turkey and Uzbekistan, and by representatives of the Federal Bureau of Investigation of the United States of America. There was discussion during the working meetings of problem-related issues arising in the fight against transnational crime, international terrorism and organized forms of illegal migration, and means of addressing those issues were defined.

In order to prevent the access of terrorist groups to weapons, ammunition, explosives and radioactive substances, the Ministry of Defence of Ukraine has been taking a number of practical priority measures, namely:

- The arrangements for notifying and calling up forces and equipment from the structural subdivisions of the Security Service and the Ministry of the Interior

of Ukraine which are assigned to the suppression by force of terrorist acts against military targets have been checked;

- Checks have been made on sites for the safekeeping of weapons, ammunition, explosives and radioactive substances, and they have been brought into conformity with the requirements of the guidelines;

- Measures have been taken to upgrade sites for the safekeeping of firearms and ammunition and to reduce the number of such sites;

- Work is being done on improving the equipment on the grounds of protected facilities and posts and to bring it into compliance with the requirements of the normative and legal instruments;

- The state of readiness of the units responsible for dealing with the consequences of potential accidents and of radiological, chemical and bacteriological monitoring and reconnaissance groups has been checked;

- Cooperation has been arranged with other ministries and Government executive bodies on the exchange of operational information concerning the radiological, chemical and bacteriological status of the regions of Ukraine.

Paragraph 2 (c)

The possibility of providing safe haven in Ukraine to foreigners and stateless persons is envisaged by article 26 of the Constitution of Ukraine and by article 4 of the Ukrainian Act "on the legal status of aliens" of 4 February 1994. Under article 106, paragraph 26, of the Constitution, a decision to provide safe haven in Ukraine is taken by the President of Ukraine.

The frontier troops may refuse to provide safe haven and effect expulsions from Ukrainian territory on the basis of, and in accordance with, the provisions of articles 25 and 32 of the Ukrainian Act "on the legal status of aliens" on 4 February 1994 and of the Ukrainian Act "on organizational and legal principles for combating organized crime" of 30 June 1993.

Under the provisions of article 10 of the Ukrainian Act "on refugees", the status of refugee is not accorded to any person:

"Who has committed a crime against the peace, a military crime or a crime against mankind and humaneness, as defined in international law;

Who has committed a grave crime of a non-political nature beyond the frontiers of Ukraine prior to arriving in Ukraine with the aim of gaining refugee status, if the action is established in the Penal Code of Ukraine as a grave crime;

Who is guilty of actions contrary to the purposes and principles of the United Nations."

The legal basis and the procedure for expulsion from Ukraine as an administrative and coercive measure are specified by article 24, paragraph 3, of the Ukrainian Code on Administrative Offences, by article 32 of the Ukrainian Act "on the legal status of aliens" and also by the Rules for the Entry of Aliens into Ukraine, their Departure from Ukraine and their Transit through its Territory (approved by Cabinet of Ministers of Ukraine decision No. 1074 of 29 December 1999).

On the order of the President of Ukraine, so as not to permit entry into the territory of the State by persons involved in terrorist activity under the guise of education, medical treatment or of official or private purposes, the competent bodies of Ukraine are devising a single standard form of invitation for the entry of aliens into Ukraine and a mechanism for the timely agreement with the internal affairs bodies of a procedure for issuing such invitations.

The Ministry of the Interior Affairs of Ukraine is also developing a databank for the documentation and recording (including documentation using automated fingerprint data) of persons who are detained for illegally crossing the State frontier and/or for staying illegally in the territory of Ukraine. This will make it possible to identify persons involved in the planning, furtherance and commission of terrorist acts through verification of the corresponding records by the law enforcement bodies of foreign States and the international police organizations.

The Ministry of the Interior has proposed that the draft Ukrainian act "on arrangements for providing asylum in Ukraine to aliens and stateless persons" (which is currently under consideration by the Verkhovna Rada (Parliament) of Ukraine) should provide for the introduction of restrictions on the provision of asylum and the issuance of the corresponding documents to persons suspected of being involved in the activities of terrorist and extremist organizations, and also that the provisions of article 10 (conditions under which the status of refugee is not accorded) of the Ukrainian Act "on refugees" should be specified in detail.

Paragraph 2 (d)

Article 258 (A terrorist act) of the Penal Code, establishes criminal liability for the commission of a terrorist act, in other words, the use of weapons, the causing of an explosion, arson or other acts endangering the life or health of people or causing substantive damage to property or other serious consequences, if such actions were committed for the purpose of impairing public safety, intimidating the population, provoking a military conflict or international complications, or for the purpose of influencing the taking of decisions, or of exerting influence over whether action is taken or not taken by State or local self-government bodies, by officials of those bodies, by citizens' associations, by legal persons, or of drawing the attention of the public to certain political, religious or other views of a guilty party (terrorist), and also of threatening the commission of such acts for the same purpose, for which the penalty is a term of imprisonment of between 5 and 10 years.

In addition, the Ukrainian draft act "on combating terrorism" provides for the prohibition of the activity in Ukraine and the disbandment of an international organization (or a division, branch or representative office thereof) in cases where such an organization is established under existing legislation as a terrorist organization.

Paragraph 2 (e)

Responsibility for a terrorist act is covered by article 258 of the Ukrainian Penal Code. The penalty for a terrorist act (see the interpretation of this concept in the preceding paragraph) is a term of imprisonment of between 5 and 10 years.

The penalty for the same actions committed repeatedly or by prior agreement among a group of persons, or if such actions result in substantial damage to property

or in other serious consequences, is a term of imprisonment of between 7 and 12 years.

The penalty for the actions established in parts 1 and 2 of that article, if they result in the loss of human life, is a term of imprisonment of between 10 and 15 years, or life imprisonment.

The penalty for the creation of a terrorist group or of a terrorist organization, the leadership of such a group or organization or participation in it, as well as material, organizational or other support for the creation or activity of a terrorist group or a terrorist organization is a term of imprisonment of between 8 and 15 years.

A person, other than an organizer or leader, shall be exempted from criminal liability for an action provided for under paragraph 4 of that article if such person voluntarily reports such action to a law enforcement body and assists in terminating the existence or activity of a terrorist group or organization or in the exposure of crimes committed in connection with the creation or activity of such a group or organization, if such person's actions do not include elements of another crime.

The Ukrainian Penal Code also provides for other standards whereby the criminal liability of a person involved in a terrorist act may be established (article 255, "Creation of a criminal organization"; article 256, "Assisting participants in criminal organizations and disclosure of their criminal activity"; article 260, "Creation of militarized or armed groupings not envisaged by the law"; and article 209, "Legalization (laundering) of financial resources or other property acquired by criminal means").

Material, organizational or other support for the creation or activities of a terrorist group or terrorist organization is punishable in accordance with article 258, paragraph 4, of the Criminal Code of Ukraine.

Thus, in accordance with article 12, paragraphs 4 and 5, of the Criminal Code of Ukraine, the offence specified in the first paragraph of article 258 of the Criminal Code is a grave offence; the offences specified in the second, third and fourth paragraphs of that article are in the category of especially grave offences.

The Security Service of Ukraine has drafted a bill "on revisions to certain legislative instruments of Ukraine concerning combating terrorism", which is being coordinated by the competent ministries.

The Anti-Terrorist Centre of the Security Service of Ukraine has drafted a bill "On combating terrorism", which is currently being coordinated by the competent ministries and departments.

Paragraph 2 (f)

Following a request from the special services of the United States of America, the Security Service of Ukraine took measures to identify any bank accounts which might belong to organizations or individuals participating in terrorist activities. Two bank accounts were identified as belonging to specific people mentioned in the request. It was established that no transactions involving those accounts had taken place during the period 2000-2001.

Paragraph 2 (g)

Action to prevent the movement of terrorists across the State border of Ukraine is taken by the border troops of Ukraine, in accordance with the Acts "on the State border of Ukraine" of 4 November 1991 and "on the border troops of Ukraine" of 4 November 1991 and other legislative instruments, and by the Ministry of the Interior and the Security Service of Ukraine.

During 2001, the State border guard organs identified at border crossing points 43 aliens who had been forbidden entry into Ukraine by the competent organs of Ukraine. Of these, 34 individuals were refused the right to enter Ukraine in the interests of ensuring the security of the State, including seven aliens who were refused on account of their participation in the activities of terrorist organizations.

The rules and procedures for the issuance of visas for entry into Ukraine and transit through its territory to aliens and stateless individuals are set out in the decision of the Cabinet of Ministers of Ukraine "on the introduction of a new system for the issuance of visas for entry into Ukraine".

Visas are issued to foreign nationals who intend to take up employment in Ukraine only when they are in possession of an employment permit, unless otherwise provided for in international treaties to which Ukraine has acceded.

Forged travel documents and invalid identity papers are detected by visual and technical means.

The Ministry of Transport of Ukraine has drawn up a State civil aviation security programme.

The programme provides for the possibility of carrying out a second control with a view to ensuring the safety of passengers, baggage and cargo on the arrival of an aircraft at an airport in Ukraine if information is received that there are dangerous substances, materials or articles on board.

With a view to strengthening security and preventing acts of terrorism or other acts of unlawful interference in the activities of Ukraine's road transport sector, the Ministry of Transport issued Order No. 771 of 9 November 2001 "on strengthening security in the road transport sector".

Paragraph 3 (a)

The exchange of information between the Security Service of Ukraine and other States on questions relating to the prevention of terrorism is based on the provisions of the following:

- European Convention on Mutual Assistance in Criminal Matters, of 1959;
- European Convention on the Transfer of Proceedings in Criminal Matters, of 1972;
- Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, of 1990;
- European Convention on Extradition, of 1957;
- International Convention against the Taking of Hostages, of 1979;

- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, of 1988;
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, of 1988;
- Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters, concluded in the Commonwealth of Independent States in 1993;
- Agreement on the formation and functioning of a combined databank of the security organs and special services of States members of the Commonwealth of Independent States to combat organized crime, of 1997;
- Agreement on cooperation between the Security Service of Ukraine and the Foreign Intelligence Service of the Russian Federation, of 1993;
- Agreement on cooperation between the Security Service of Ukraine and the Security Service (Shabak) of the State of Israel, of 2000;
- Agreement on cooperation between the Security Service of Ukraine and the Department of Defence of the Republic of Poland, of 1993;
- Protocol on cooperation between the Security Service of Ukraine and the National Intelligence Organization of the Republic of Turkey, of 2001;
- Protocol on cooperation between the Security Service of Ukraine and the Directorate for Surveillance of the territory (Directoire de la Surveillance du territoire (DST)) of France, of 2000;
- Memorandum on cooperation between the Security Service of Ukraine and the Secret Intelligence Service of the United Kingdom of Great Britain and Northern Ireland, of 1999.

These agreements provide for a continuous exchange of information, including information of a pre-emptive character, concerning terrorist and extremist organizations and groups, the forms and methods of their activities, their intentions, targets and aspirations, and specific individuals involved in terrorist activities.

The procedure for cooperation on the State border between ministries and departments is set out in the basic legal document entitled Instructions on cooperation and the allocation of functions for the control of the State border. The Instructions establish the basic forms of cooperation on the Ukrainian border between the State Committee on the Protection of the State Border, the State Customs Committee, the Ministry of the Interior, the Ministry of Health, the Ministry of Agriculture and Food and the Ministry of Environmental Protection. One form that this cooperation takes is an operational exchange of information on joint activities on the border while maintaining the confidentiality of the information transmitted.

A decision of the Cabinet of Ministers of Ukraine confirmed the system for the coordination of the activities of the organs of executive authority and the organs of local self-government on questions relating to compliance with regulations on the State border, which in fact established the allocation of functions on the border defined in the above-mentioned Instructions and outlined the system for the exchange of operational information.

Customs control of the movement of weapons and dual-purpose explosive substances and materials, including the exchange of operational information, is carried out in accordance with the order of the State Customs Service of Ukraine and the instructions on the system for the issuance of permits and decisions on the right to export, import or move in transit goods which, according to the law, are subject to the export controls approved by an order of the State Export Control Service of Ukraine.

One of the main forms of cooperation between the customs and law enforcement organs is also the exchange of information on questions relating to crime prevention through special operations. During the planning and carrying out of each special joint operation (operational activities), an operational exchange of information is required.

Moreover, the system for the exchange of operational information is also laid down in interdepartmental joint orders, instructions and plans (the order of the Ministry of the Interior and the State Customs Committee of Ukraine "on the organization of cooperation in implementation of the Act 'on the organizational and legal bases of the fight against organized crime' and of the order of the President of Ukraine 'on urgent measures to strengthen crime prevention'"; the order of the Security Service and the State Customs Committee of Ukraine "on cooperation between the organs of the Security Service and the State Customs Committee of Ukraine in implementation of the order of the President 'on urgent measures to strengthen crime prevention', the order of the State Committee on the Protection of the State Border and the State Customs Service of Ukraine 'on confirmation of the Instructions on the system for cooperation between subdivisions of the State Committee on the Protection of the State Border and subdivisions of the customs guard of the State Customs Committee of Ukraine'").

The State Committee on the Protection of the State Border signed Guidelines for cooperation between the operational and investigative organs of the border troops of Ukraine and the operational organs of neighbouring countries, under which the treaty countries exchange operational information, including information in the areas referred to in paragraph 3 (a) of the resolution. The exchange of such information is also provided for in international treaties to which Ukraine has acceded on questions relating to crime prevention (for example, the Agreement on cooperation in combating the unlawful circulation of narcotics and organized crime, of 1 September 1992, and the Agreement between the Government of Ukraine and the Government of the Federal Republic of Germany on cooperation in combating organized crime, terrorism and other such crimes, of 6 February 1995).

A "plan on joint activities of the Ministry of the Interior, the Ministry of Defence, the Security Service, the State Committee on the Protection of the State Border and the State Customs Committee of Ukraine concerning the strengthening of action to combat illegal migration and to prevent the movement of terrorist resources across the State border" was drawn up and agreed. It entered into effect on 4 November 2001.

A "plan of special measures of the State Committee on the Protection of the State Border designed to implement the requests of the President of Ukraine for strengthening the fight against terrorist activities" of 11 October 2001 was drawn up.

Paragraph 3 (b)

After the terrorist attacks of 11 September 2001 in the United States of America, representatives of the special services of the Russian Federation, the United States of America, the United Kingdom, Germany, the Czech Republic, Uzbekistan and other countries were given over 60 pieces of informational material on the activities of international terrorist and religious extremist organizations and their members.

During 2001, approximately 3,500 aliens involved in terrorist activities were denied entry into Ukraine.

Paragraph 3 (c)

With a view to deepening international cooperation on questions relating to combating terrorism, Ukraine signed, within the CIS framework, a decision on the establishment and activities of the Anti-Terrorist Centre of the States members of the Commonwealth of Independent States. On 4 October 2001, the Act "on the ratification of the decision on the establishment and activities of the Anti-Terrorist Centre of the States members of the Commonwealth of Independent States" was adopted by the Verkhovna Rada of Ukraine and entered into force.

With a view to the prevention and suppression of terrorism in accordance with the Orders of the President of Ukraine "on the Anti-Terrorist Centre" and "on the regulations of the Anti-Terrorist Centre and its coordination groups in the regional organs of the Security Service of Ukraine", the Anti-Terrorist Centre of the Security Service of Ukraine was established and it functions as an integral part of the current State counter-terrorism system.

By the Order of the President of Ukraine "on the procedure for cooperation with international anti-terrorist organizations", the Centre, together with the Ministry of Foreign Affairs of Ukraine, was also given the task of ensuring coordination in the implementation by the organs of executive authority of Ukraine's obligations with regard to combating international terrorism.

The effectiveness of the organizational component of the activities of the Anti-Terrorist Centre is ensured through the conduct of command-staff (at various levels) and practical special tactical exercises at technogenically dangerous and other facilities vulnerable to terrorist attacks previously studied and categorized according to their vulnerability. In 2001 alone, approximately 40 such exercises were carried out on a planned basis with the mobilization of the forces and resources of various departments required for those purposes, including exercises involving all four operational atomic power stations.

Working contacts with the special services of other countries were activated on questions relating to the exchange of information concerning investigations into the series of terrorist acts in the United States of America and the carrying out of anti-terrorist operations in Afghanistan.

With the participation of representatives of the Security Service of Ukraine, checks were carried out into the status of the maintenance and protection of locations of chemical and biological substances which might be used for terrorist means.

Subparagraph 3 (d)

Ukraine is a party to the following international legal instruments relating to the fight against terrorism:

Name of international agreement	*Participation by Ukraine*	*Entry into force in Ukraine*
Convention on Offences and Certain Other Acts Committed on Board Aircraft, 14 September 1963	Date of accession: 21 December 1987	29 May 1988
Convention for the Suppression of Unlawful Seizure of Aircraft, 16 December 1970	Ratified on 27 December 1971	23 March 1972
Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 23 September 1971	Ratified on 16 January 1973	29 March 1973
Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, 14 December 1973	Date of accession: 20 January 1976	20 February 1977
International Convention against the Taking of Hostages, 18 December 1979	Date of accession: 19 June 1987	19 July 1987
Convention on the Physical Protection of Nuclear Material, 3 March 1980	Ratified on 4 May 1993	5 August 1993
Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 24 February 1988	Ratified on 14 March 1989	14 April 1989
Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 10 March 1988	Ratified on 21 April 1994	20 July 1994
Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, 10 March 1988	Ratified on 21 April 1994	20 July 1994
Convention on the Marking of Plastic Explosives for the Purpose of Detection, 1 March 1991	Ratified on 3 December 1997	3 December 1997
International Convention for the Suppression of Terrorist Bombings, 16 December 1997	Ratified on 29 November 2001	
Agreement on Cooperation among CIS Member States in the Fight against Crime	Ratified on 14 September 1999	14 September 1999
Agreement between the Governments of member States of the Organization of the Black Sea Economic Cooperation on cooperation in combating crime	Signed on 2 October 1998	

Ukraine is preparing to ratify the European Convention on the Suppression of Terrorism of 1977 (signed on 6 June 2000) and the International Convention for the Suppression of the Financing of Terrorism (signed on 8 June 2000).

Ukraine is also a party to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction and the Convention on the Prohibition of the Development, Production

and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction.

The Cabinet of Ministers of Ukraine, conscious that the non-proliferation of chemical and biological weapons is a pressing issue, has approved the "Regulations on the procedure for controlling the export, import and transit of goods which could be used to produce chemical, bacteriological (biological) and toxin weapons". The "Programme for the implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction for the period 1999-2008" has been approved by a decree of the President of Ukraine.

Subparagraph 3 (e)

Ukraine is implementing the relevant international conventions and protocols concerning terrorism and United Nations Security Council resolutions 1269 (1999) and 1368 (2001) and is taking steps to increase cooperation in this area.

See also the information under subparagraphs 2 (f) and 3 (b).

Subparagraph 3 (f)

The procedure for the granting, loss or deprivation of refugee status in Ukraine is governed by the Act of Ukraine "on refugees" of 21 June 2001. Pursuant to article 8, paragraphs 2 and 3, of the Act, the Security Service and the Ministry of the Interior of Ukraine have the powers set out below:

"The Security Service of Ukraine and its regional bodies, when requested to do so by the migration service, shall take steps, within the limits of their authority, to determine, among those persons who have submitted an application for refugee status and regarding whom decisions have been taken to prepare documents in order to decide whether to grant them refugee status, which persons shall not be granted refugee status under article 10, paragraphs 2, 3 and 4, of this Act.

The Ministry of the Interior of Ukraine and its regional bodies, when requested to do so by the migration service, shall take steps, within the limits of their authority, to determine, among those persons who have submitted an application for refugee status, with regard to the decision on preparing documents in order to decide whether to grant them refugee status, which persons shall not be granted refugee status under article 10, paragraphs 2, 3 and 4, of this Act, and to establish the identity of those who have submitted a petition for the granting of refugee status. If a person who has illegally crossed the State border and is in Ukrainian territory with the intention of obtaining refugee status contacts an Interior Ministry body, that body shall take the application for refugee status and transmit it to the migration service. If a person who is in Ukraine legally and intends to obtain refugee status contacts an Interior Ministry body, the body shall explain to that person the procedure for submitting an application for the granting of refugee status and shall inform him or her where the migration service offices are located."

Pursuant to article 10 of the Act, refugee status shall not be granted to persons who:

- Have committed an offence against peace, a war crime or a crime against humanity, as defined in international law;

- Have committed a serious crime of a non-political character outside Ukraine prior to arrival in the country with the aim of obtaining refugee status, if such an act is classified as a serious crime in the Criminal Code of Ukraine;
- Are guilty of committing acts which are contrary to the purposes and principles of the United Nations.

Pursuant to article 13, paragraphs 4, 5 and 6, of the Act of Ukraine "on refugees", the procedure for considering an application after a decision has been taken to prepare documents in order to decide whether to grant refugee status stipulates that the migration service body, together with Interior Ministry and Security Service bodies, shall check to determine whether there are circumstances in which refugee status is not granted under article 10, paragraphs 2, 3 and 4, of the Act.

If the applicant does not have identification papers, or if his or her papers are forged or counterfeit, the migration service body and the relevant Interior Ministry and Security Service bodies shall, in accordance with Ukrainian legislation, undertake a procedure to establish the person's identity.

If doubts arise as to the authenticity of the information provided by the applicant or the need to establish the authenticity and validity of the papers that he or she has submitted, the migration service body has the right to make appropriate inquiries with Interior Ministry and Security Service bodies, other State authorities, organs of local self-government and citizens' associations that may help to establish the real facts about the person whose application is being considered.

Subparagraph 3 (g)

In Ukraine, the abuse of refugee status by terrorists is prevented through the possibility of depriving of refugee status persons who are involved in an activity that constitutes a threat to national security, public order or the health of the population of Ukraine, as provided for in article 15, paragraph 4, of the Act of Ukraine "on refugees". Under article 15, paragraphs 4-7 and 16, a request for loss of refugee status may be submitted to the migration service on the basis of a personal application by a person who has been granted refugee status in Ukraine or a petition by an Interior Ministry or Security Service body or another State authority. On the grounds indicated in article 15, paragraphs 1 and 4, the migration service offices in the Autonomous Republic of Crimea, the regions, and the cities of Kyiv and Sevastopol may, on their own initiative, submit to the specially empowered central executive authority on migration a request for loss or deprivation of refugee status.

22 December 2001

Cabinet of Ministers of Ukraine

DECREE ON THE IMPLEMENTATION OF UNITED NATIONS SECURITY COUNCIL RESOLUTION 1373 (2001) OF 28 SEPTEMBER 2001

Kyiv, 26 December 2001

Following the adoption by the United Nations Security Council of resolution 1373 (2001) of 28 September 2001, the Cabinet of Ministers decrees that:

1. The Ministries, other central and local executive authorities and the Council of Ministers of the Autonomous Republic of Crimea shall:

- Implement the requirements of United Nations Security Council resolution 1373 (2001) of 28 September 2001 in such a way as to minimize the possible losses to Ukraine, and draw up, within the limits of their authority, a plan of appropriate steps to be taken;
- Provide information when required by the Ministry of Foreign Affairs on progress in implementing the above-mentioned resolution;

2. The Ministry of Foreign Affairs, the Ministry of Economic Affairs and European Integration, the Ministry of the Interior, the Ministry of Defence, the Ministry of Transport, the Ministry of Industrial Policy, the State Committee on the Protection of the State Border, the State Customs Service and the State company for the export and import of military and special products and services (Ukrspetseksport) shall, with the participation of the Security Service, ensure compliance with the requirements to prohibit the provision of any form of support, active or passive, to organizations or persons involved in terrorist acts, including by suppressing recruitment of members of terrorist groups and eliminating the channels for the supply of weapons to terrorists;

3. The Ministry of Finance, the Ministry of the Interior, the State Tax Administration, with the participation of the Security Service and other central and local executive authorities, and the Council of Ministers of the Autonomous Republic of Crimea, in accordance with Ukrainian legislation and within the limits of their authority, shall take urgent steps to:

- Freeze funds and other financial assets (suspend bank account operations) or economic resources of persons who commit or attempt to commit terrorist acts or participate in or facilitate the commission of terrorist acts, and of organizations owned or controlled by such persons, and of persons and organizations acting on behalf of or at the direction of such persons and organizations, including funds and economic resources derived or generated from property owned or controlled by such persons and organizations linked to them;
- Prevent and suppress the provision, directly or indirectly, by natural and legal persons of any funds, financial assets or economic resources or financial or other related services for the benefit of persons who commit or attempt to commit or facilitate or participate in the commission of terrorist acts, of organizations owned or controlled by such persons and

of persons and organizations acting on behalf of or at the direction of such persons;

– Request the National Bank to inform banks of the requirements of United Nations Security Council resolution 1373 (2001) of 28 September 2001 with respect to financing.

4. The State Committee on the Protection of the State Border, the State Customs Service, the Ministry of the Interior and the Ministry of Transport, with the participation of the Security Service, shall take steps to prevent the movement of terrorists and terrorist groups and shall establish for that purpose effective border controls and controls on issuance of identity papers and travel documents and shall intensify efforts to prevent counterfeiting, forgery or fraudulent use of papers;

5. The State Committee on Nationalities and Migration of Ukraine, the Ministry of the Interior and the Ministry of Justice, with the participation of the Security Service, shall:

– Take steps to deny asylum or refugee status to persons who finance, plan, support or commit terrorist acts;

– Take measures, in conformity with legislation and the norms of international law, to ensure, before deciding to grant asylum or refugee status, that the asylum-seeker or person applying for refugee status has not planned, facilitated or participated in the commission of terrorist acts;

– Ensure, in conformity with the norms of international law and Ukrainian legislation, that asylum and refugee status are not abused by the perpetrators or organizers of terrorist acts or their accomplices, and that claims of political motivation are not recognized as grounds for refusing requests for the extradition by interested States of persons suspected of involvement in terrorism.

6. The Ministry of Justice, the Ministry of the Interior and the Security Service shall provide legal assistance in instituting criminal proceedings relating to counter-terrorism;

7. The Ministry of the Interior, the Ministry of Foreign Affairs, the Ministry of Defence, the Security Service and other central executive authorities shall implement international treaties on the prevention and suppression of terrorist acts to which Ukraine is party and shall take action against those guilty of committing such acts;

8. The Security Service, together with the Ministry of Defence, the Ministry of the Interior, the State Tax Administration, the State Committee on the Protection of the State Border and the State Customs Service shall draw up and approve, within one month, a procedure for providing and exchanging information regarding natural and legal persons suspected of terrorist activity; actions or movements of terrorists or terrorist networks; traffic in arms, explosives or dual-use materials; the use of communications technologies by terrorist groups; and the threat posed by the possession of weapons of mass destruction by terrorist groups;

The State Committee on the Protection of the State Border, the Ministry of the Interior, the State Customs Service, the Ministry of Transport, the State Tax Administration and the Ministry of Defence of Ukraine shall immediately notify the

Security Service, other law enforcement agencies and the State Export Control Service of Ukraine if they discover that an importer of the above-mentioned goods and services may have links with international terrorist groups, for the purpose of verification and of taking appropriate measures to halt actual exports;

9. The Security Service, the State Customs Service, the State Committee on the Protection of the State Border, the State Export Control Service, the State company for the export and import of military and special products and services (Ukrspetseksport), the Ministry of Industrial Policy, the Ministry of Foreign Affairs, the Ministry of Defence, the Ministry of the Interior, the Ministry of Economic Affairs and European Integration and the Ministry of Transport of Ukraine shall take additional steps to strengthen control of international transfers of military and dual-use goods which could be used to commit terrorist acts;

The State Export Control Service, when considering applications for the export, import or transit through Ukrainian territory of military or dual-use goods, shall, if necessary with the participation of the Security Service and the Ministry of Foreign Affairs, check whether the parties to contracts for such international transfers are involved with terrorist groups;

10. The Ministry of Industrial Policy, the Ministry of Defence, the Ministry of the Interior, the Security Service, the Ministry of Health, the National Academy of Science, the Academy of Medical Science, the State Committee for Nuclear Regulation, the Ministry of Fuel and Energy and the Ministry of Agricultural Policy shall take steps to increase the level of protection of vulnerable facilities under the physical protection system and to complete an inventory of articles, materials, equipment and technology which could be used to produce weapons of mass destruction and also conventional weapons and means of delivery, so as to prevent terrorist groups from gaining access to them;

11. The Ministry of the Interior, the Ministry of Foreign Affairs, the Ministry of Defence, the Ministry of Justice and the Security Service, within the limits of their authority, shall:

- Monitor the counter-terrorism measures which Ukraine is implementing in association with international organizations;
- Take steps to ensure the accession of Ukraine to international treaties against the financing of terrorism, the European Convention on the Compensation of the Victims of Violent Crimes and the draft convention on cybercrime and to implement United Nations Security Council resolutions 1269 (1999) of 19 October 1999 and 1368 (2001) of 12 September 2001 on increasing cooperation in order to prevent and suppress terrorist acts;
- Expedite the preparation of the draft acts of Ukraine "on counter-terrorism", "on revisions to certain legislative acts of Ukraine on strengthening the fight against terrorism" and of the national counter-terrorism programme.

Prime Minister of Ukraine **A. Kinakh**